

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MED-DEN FUNDING, LLC,

Plaintiff,

v.

B GRIGOROVICH D.D.S., INC.,

Defendant.

8:20CV223

**ORDER TO
SHOW CAUSE**

This matter is before the Court sua sponte. On August 12, 2021, the Court set this matter for trial to begin on January 10, 2022. On December 30, 2021—just a week and a half before trial was to begin—the plaintiff B. Grigorovich D.D.S., Inc. (“Grigorovich”) asked the Court, through his attorney, to continue the trial to a later date due to exceptional circumstances. The Court granted Grigorovich’s request to postpone the jury trial and specifically set it to begin on April 11, 2022.

For the past three weeks, the Court has been attempting to contact Grigorovich’s counsel regarding pre-trial matters and deadlines. As of today, the Court has sent him at least six emails, called him twice, and has left him two voicemails. He has not responded to the Court, despite direct orders to do so. Nor has the Court received Grigorovich’s trial brief or proposed jury instructions, as required by this Court’s standard trial procedures and local rules. *See* NECivR 39.2 (requiring each party to “file a trial brief at least 7 days before the trial begins”). The Court has also been notified by counsel for defendant Med-Den Funding, LLC, that he, too, has attempted to contact Grigorovich’s counsel multiple times, without success.

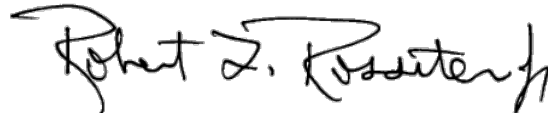
Trial is set to begin one week from today, and the Court has great concern it will impanel a jury without Grigorovich or its counsel present. The Court therefore orders Grigorovich’s counsel to immediately show cause as to why he has continuously failed to

respond to the Court regarding the upcoming jury trial. Failure to respond to the Court by April 6, 2022, may result in the entry of default for failure to defend and/or other appropriate sanctions. *See* Fed. R. Civ. P. 55(a); *see e.g.*, *Brock v. Unique Racquetball & Health Clubs, Inc.*, 786 F.2d 61, 64 (2d Cir. 1986) (finding the “entry of default was equally appropriate” because “counsel fail[ed] to appear during the course of a trial”). Accordingly,

IT IS SO ORDERED.

Dated this 4th day of April 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge